

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-06-129-JHP
)	
WADE DON WOOD, a/k/a)	
WADE D. WOOD, a/k/a WADE WOOD;)	
RHONDA L. WOOD, a/k/a)	
RHONDA WOOD; JOHN DEERE CREDIT;)	
LANDMARK BANK, N.A.;)	
DEFEHR IMPLEMENT, INC., by and)	
through Jeff Defehr;)	
BOARD OF COUNTY COMMISSIONERS)	
OF JOHNSTON COUNTY, OKLAHOMA;)	
COUNTY TREASURER OF JOHNSTON)	
COUNTY, OKLAHOMA,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This matter comes before this Court on the Motion for Deficiency Judgment filed by Plaintiff on May 7, 2010 (Docket Entry #101). By Order entered May 11, 2010, United States District Judge James H. Payne, the judge presiding over this case, referred the subject Motion to the undersigned for the purpose of entering a Report and a Recommendation as to its final disposition. To that end, this Court conducted a hearing on the Motion on June 3, 2010. Jeanette Windsor, Assistant United States Attorney representing Plaintiff was the sole attendee.

Plaintiff seeks a deficiency judgment against Defendants Wade Don Wood and Rhonda L. Wood after the foreclosure and sale of real property and chattel which secured a series of promissory notes


issued by Plaintiff. Plaintiff solicited the testimony of Melissa Cook, an employee of the Farm Service Agency. Ms. Cook testified that, after the sale of the securing property, a deficiency remained on the notes in the amount of \$352,137.05. Plaintiff determined Mr. Wood was ordered to pay restitution which would be a credit on the deficient amount due. As a result, the current deficiency on the judgment after the sale of property is \$285,663.29. In light of the Judgment entered by the Court on April 25, 2007 and the amount realized from the sale of the property securing the underlying promissory notes, this Court finds and recommends that a deficiency judgment be entered in the amount stated.

BASED UPON THE FOREGOING, IT IS THE RECOMMENDATION OF THE UNDERSIGNED that the Motion for Deficiency Judgment filed by Plaintiff on May 7, 2010 (Docket Entry #101) be **GRANTED** and that a deficiency judgment be entered in favor of the United States of America and against Defendants Wade Don Wood, a/k/a Wade D. Wood, a/k/a Wade Wood and Rhonda L. Wood, a/k/a Rhonda Wood in the amount of \$285,663.29. The United States of America proposed a written judgment reflecting the findings of this Court which will be forwarded to Judge Payne for consideration in light of this Report and Recommendation.

The parties are herewith given fourteen (14) days from the date of the service of this Report and Recommendation to file with

the Clerk of the court any objections, with supporting brief. Failure to object to the Report and Recommendation within fourteen (14) days will preclude appellate review of the judgment of the District Court based on such findings.

IT IS SO ENTERED this 4th day of June, 2010.


KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE